

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED

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|-----------------------------------|---|--------------------|
| -----                             | X |                    |
| ENERGY BRANDS INC. d/b/a GLACÉAU, | : |                    |
|                                   | : |                    |
| Plaintiff,                        | : |                    |
|                                   | : | 08 Civ. 4909 (JSR) |
| v.                                | : |                    |
|                                   | : |                    |
| NATIONAL BEVERAGE CORP.,          | : |                    |
|                                   | : |                    |
| Defendant.                        | : |                    |
| -----                             | X |                    |

**NOTICE OF APPEARANCE**

The undersigned hereby files this Notice of Appearance as counsel of record for Defendant, National Beverage Corp., and respectfully requests that all future papers and pleadings be served upon the undersigned as counsel of record for Defendant.

Dated: Miami, Florida  
August 4, 2008

Respectfully submitted,

**LOTT & FRIEDLAND, P.A.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the referenced date, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the following Service List in the Manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Leslie J. Lott

Leslie J. Lott

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*Service via CM/ECF*